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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

THOMAS HUFF, *et al.*,
 Plaintiffs,

vs.

KAISER VENTURES LLC, *et al.*,
 Defendants.

No. C08-04490-BZ

MOTION FOR LEAVE TO AMEND
 COMPLAINT PURSUANT TO
 STIPULATION, ~~PROPOSED~~ ORDER

Pursuant to Civil L. R. 7-11 and 7-12, plaintiffs, having reached a stipulation will all Defendants, now respectfully move the Court for an Order granting Plaintiffs leave to file the Amended Complaint, a proposed copy of which is attached to the parties stipulation, filed contemporaneously herewith (Document 14), and incorporated herein by this reference.

Plaintiffs seek to file the Amended Complaint to add an additional party to the action, namely, CERTAINTEED CORPORATION.

In addition, having reached a stipulation will all Defendants, Plaintiffs also request that the Court order that Defendants KAISER VENTURES LLC and CARRIER CORPORATION shall not be required to Answer the Amended Complaint, and that all denials, responses, and affirmative defenses contained in their Answers to the original complaint shall be responsive to

1 the Amended Complaint.

2 WHEREFORE, Plaintiffs respectfully request that the Court enter an Order:

3 1. Granting leave to file the Amended Complaint and leave to serve summons and
4 complaint upon CERTAINTED CORPORATION; and,

5 2. That Defendants KAISER VENTURES LLC and CARRIER CORPORATION
6 are not required to Answer the Amended Complaint, and that all denials, responses, and
7 affirmative defenses contained in their Answers to the original complaint shall be responsive to
8 the Amended Complaint.

9 Respectfully submitted,

10 Dated: December 10, 2008

BRAYTON ♦ PURCELL LLP

11 /s/ David R. Donadio

12 By: _____
13 David R. Donadio
Attorneys for Plaintiffs

14 ~~PROPOSED~~ **ORDER**

15 APPROVED AND SO ORDERED.

16 Dated: December 10, 2008 _____

17 

18 Bernard Zimmerman
United States Magistrate Judge